

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Sears Holding Corporation, et. al.

CHAPTER 11

Debtors.

Case No. 18-23538-rdd

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RESPONSE TO DEBTORS' MOTION (NO. 3033) TO ASSUME UNEXPIRED LEASE OF
NONRESIDENTIAL REAL PROPERTY

5525 S. Soto St. Associates ("Landlord"), by its attorneys Dahan & Nowick LLP, hereby responds to the Debtors'¹ Motion (Docket No. 3033) (the "Motion") to the extent that Debtors seek to assume the Warehouse Lease (as such term is defined in the Motion papers).

Landlord is relying upon Debtors' representation(s) that they intend to promptly seek to assign the Warehouse Lease. Landlord reserves all rights and remedies against Debtors in the event that Debtors seek to retain the Warehouse Lease for themselves or affiliates or related entities. Further, in the event of any potential assignment(s) of the Warehouse Lease, Landlord reserves all of its rights and remedies to object thereto on any grounds permitted under the law, and or pursuant to the procedures set forth in Paragraph 7 of the Proposed Order.

Dated: White Plains, New York
April 11, 2019

Respectfully submitted,

By: DAHAN & NOWICK LLP
/s/ David R. Taxin
David R. Taxin, Esq.
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¹ Debtors" (defined as all debtors in possession in this proceeding) seek to assume the Warehouse Lease (see Proposed Order), yet the sole tenant under that lease, and therefore the sole entity which should be considered, is Sears, Roebuck and Co. (which is also the sole Sublandlord of the Warehouse Lease).